

Hon. James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ISOMEDIA, INC., a Washington corporation,
ISOMEDIA.COM, L.L.C., a Washington
limited liability company,

Plaintiffs,

v.

SPECTRUM DIRECT, INC., a California
corporation; VISTAPRINT USA, INC., a
Delaware corporation; PROSPER, INC., a
Utah corporation; COSTA MARKETING
GROUP, INC., a Florida corporation;
PARAGON SOLUTIONS NETWORK, INC.,
a California corporation; MEDICAL HAIR
RESTORATION, INC., a Florida corporation;
GREEN BULLION FINANCIAL
SERVICES, LLC, a Florida limited liability
company; DIRECT WINES, INC., a
Delaware corporation; AMERICAN
SATELLITE, INC., a Nevada corporation;
and JOHN DOES, I-CC,

Defendants.

Case No. C 08-1733 JLR

**DECLARATION OF JOSEPH S. LEVENTHAL
IN SUPPORT OF DEFENDANT VISTAPRINT
USA INCORPORATED'S OPPOSITION TO
PLAINTIFF'S MOTION FOR A
PROTECTIVE ORDER**

1 I, Joseph S. Leventhal, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the State of California, and I am
3 admitted to practice *pro hac vice* before this Court. I am an associate in the law firm of Cooley
4 Godward Kronish LLP, attorneys of record for Defendant VistaPrint USA, Incorporated. I have
5 personal knowledge of the facts set forth in this Declaration, and if called upon to testify I could
6 and would testify competently thereto.

7 2. On June 5, 2009 Plaintiff Isomedia served its first set of discovery requests on
8 VistaPrint USA Incorporated ("VistaPrint.") A true and correct copy of relevant excerpts from
9 these requests is attached as Exhibit A.

10 3. VistaPrint served its first set of discovery requests on Plaintiff Isomedia Inc. on
11 July 24, 2009. VistaPrint served its first set of discovery requests on Plaintiff Isomedia.com LLC
12 on August 5, 2009. On September 10, 2009 both Plaintiffs responded to VistaPrint's discovery
13 requests. On September 16, 2009, in response to the numerous deficiencies in these responses, I
14 sent a meet and confer letter to Robert Siegel, counsel for Plaintiffs. The very next day,
15 September 17, 2009, I received an email message from Mr. Siegel indicating his intention to
16 supplement Plaintiffs' initial responses by September 25, 2009. Plaintiffs did not supplement
17 their responses until October 13, 2009.

18 4. At no time did I receive a request to meet and confer regarding any objections
19 Plaintiffs had to VistaPrint's discovery requests. Plaintiffs never sent any request to meet and
20 confer regarding the subject matter of the present motion nor has any meet and confer occurred.

21 5. In response to Plaintiffs' Motion, my firm prepared the Opposition, filed October
22 13, 2009. I am familiar with my firm's billing practices and am familiar with the time that
23 attorneys spent in connection with the Opposition, including this declaration and preparing the
24 exhibits to the same. The time spent in preparation of the Opposition include at least 13 hours by
25 associate Michelle L. Wasserman, at \$345/hour and at least 4 hours by me at \$530/hour. The
26 total amount of fees that are attributable to the legal research, drafting, and filing of the
27 Opposition total at least \$6,605.00.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on October 13, 2009, at San Diego, California.

3
4 /s/ Joseph S. Leventhal

Joseph S. Leventhal (*pro hac vice*)

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